

FIRST REGULAR SESSION

# SENATE BILL NO. 547

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time March 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1945S.02I

## AN ACT

To repeal section 459.045, RSMo, and to enact in lieu thereof one new section relating to life support decisions for patients in terminal conditions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 459.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 459.045, to read as follows:

459.045. 1. It shall constitute unprofessional conduct if a physician or other licensed health care professional or facility with actual knowledge of a declaration acts, when the declarant is in a terminal condition and unable to make treatment decisions, contrary to the expressed intention of the declarant, as stated in his declaration, without serious reason therefor consistent with the best interest of the declarant.

2. Any person with actual knowledge of a declaration who acts, when the declarant is in a terminal condition and unable to make treatment decisions, contrary to the expressed intention of the patient as stated in his declaration, without serious reason therefor consistent with the best interests of the patient, shall lose such rights of inheritance to the extent such loss is provided for by the patient's last will and testament.

3. Any person who willfully conceals, cancels, defaces, obliterates or destroys the declaration of another without such declarant's consent or who falsifies or forges a revocation of the declaration of another shall be guilty of a class A misdemeanor.

4. Any person who falsifies or forges the declaration of another, or who willfully conceals or withholds personal knowledge of the revocation of a declaration, with the purpose of causing withholding or withdrawal of medical procedures contrary to the wishes of the declarant, and thereby, because of such act, directly causes medical procedures to be withheld or withdrawn, causing death or causing death to be hastened, shall be guilty of a class B felony.

**5. Absent a clear determination when a dispute arises regarding sustaining the life of anyone in a persistent vegetative state, the court shall award custody**

to any party willing to continue care, taking into consideration relationship and degree of consanguinity. If a financial settlement or sizeable estate is at issue, the court at its discretion may appoint a trustee to disburse funds for appropriate care.

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